

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

John Louis Pellegrino,)	Civil Action No.: 0:16-cv-03083-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Southern Health Partners, Krystal)	
Snuggs, and Jennifer Williams,)	
)	
Defendants.)	
_____)	

Plaintiff John Louis Pellegrino, proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. The matter is before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 61. The Magistrate Judge recommends dismissing this case with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). R & R at 2.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No parties have filed objections to the R & R,¹ and the time for doing so has expired.² In the

¹ The Clerk mailed Plaintiff a copy of the R & R on May 1, 2017. ECF No. 62. On May 9, 2017, that mailing was returned as undeliverable; the envelope was stamped “Return to Sender” / “Attempted – Not Known” / “Unable to Forward.” ECF No. 63-1. As the Magistrate Judge explains in Footnote 1 of the R & R, she issued an order at

absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error and hereby adopts and incorporates by reference the R & R [ECF No. 61] of the Magistrate Judge. Accordingly, the Court **DISMISSES** this case *with prejudice* for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Court **DENIES AS MOOT** Defendants' motion to dismiss [ECF No. 43] and motion for summary judgment [ECF No. 52].

IT IS SO ORDERED.

Florence, South Carolina
June 2, 2017

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

the beginning of this case notifying Plaintiff of his obligation to keep the Court apprised of his current address and the consequences of failing to do so. *See* ECF No. 8 at 3.

² Plaintiff's objections were due by May 18, 2017. *See* ECF No. 61.